

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

MARCEL MALACHOWSKI,	)	
ID # 15287-052,	)	
	)	
Petitioner,	)	
	)	
v.	)	
	)	
NFN RIVERS,	)	
	)	
Respondent.	)	Civil Action No. 3:22-CV-1156-C-BT

**ORDER**

Before the Court are the Findings, Conclusions, and Recommendation of the United States Magistrate Judge therein advising the Court that Petitioner's Motion to Proceed *In Forma Pauperis* on Appeal should be denied. Petitioner failed to timely file any objections.<sup>1</sup>

The Court conducts a *de novo* review of those portions of the Magistrate Judge's report or specified proposed findings or recommendations to which a timely objection is made. 28 U.S.C. § 636(b)(1)(C). Portions of the report or proposed findings or recommendations that are not the subject of a timely objection will be accepted by the Court unless they are clearly erroneous or contrary to law. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989).

The Court has conducted an independent review of the Magistrate Judge's findings and conclusions and finds no error. It is therefore **ORDERED** that the Findings, Conclusions, and Recommendation are hereby **ADOPTED** as the findings and conclusions of the Court.

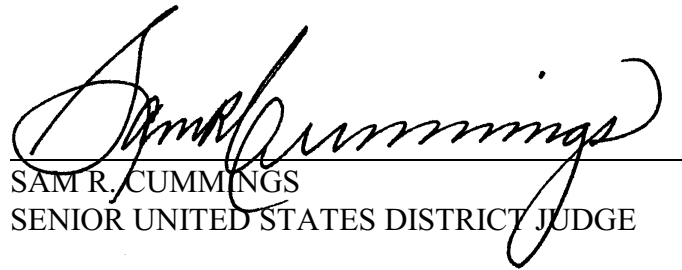
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<sup>1</sup>The fourteen-day period for filing objections has passed. Due to Petitioner's incarceration, the Court has waited an additional period of several days to allow time for any reasonable delays Petitioner may face in utilizing the prison mail system.

For the reasons stated therein, Petitioner's Motion to Proceed *In Forma Pauperis* on Appeal is **DENIED** because the appeal is not taken in good faith and presents no legal point of arguable merit.

SO ORDERED.

Dated this 31st day of July, 2023.



SAM R. CUMMINGS  
SENIOR UNITED STATES DISTRICT JUDGE